

REMARKS/ARGUMENTS

This amendment is responsive to the non-final Office Action issued November 17, 2003. Accompanying the present amendment is the fee for a two-month extension of time.

At the outset, the applicant's representative wishes to thank Exr. Brown for his time and courtesy during the recent telephone interview of April 15, 2004. During the telephone interview, the Examiner requested that the undersigned make of record the substance of the interview. Substantively, the Examiner counseled the applicant to add computer-related structure to the method claims (in both the preamble and the body of the claims) to avoid a potential future section 101 rejection and to amend the independent claims so as to render the converting step mandatory, rather than optional. The examiner indicated that the converting step could be broken up into two separate steps, with the second step being claimed as being responsive to the first step. The Examiner also helpfully indicated that amendments as described immediately above would likely overcome the anticipatory rejection of the claims over the Hartman reference, as the claim, in their previous state, were interpreted without the "the quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval." recitation for the purposes of the 102(e) rejection. Also during the telephone interview, the applicant's representative pointed out that the Midorikawa et al. reference relied on for the purposes of the 103(a) rejection does not teach converting a quote to an order when a quote conversion process determines that the first quote has remained unmodified at least for the consolidation period, as advanced in the outstanding Office Action. Instead, it was pointed out during the telephone interview that the Midorikawa et al. reference, at Col. 3, lines 11-26 and Col. 4, lines 7-30 teaches a detecting means 14 that detects inactive orders for which transactions have failed. Responsive to the detecting means 14,

Midorikawa et al. teach that the elimination means 16 "forcibly eliminates the inactive order from the electronic dealing market." It was pointed out and agreed during the telephone interview that this, in fact, teaches away from the claimed embodiments, even in combination with the primary reference. As agreed to during the interview, Midorikawa does not convert quotes to executable orders when a consolidation period has elapsed, as claimed herein. Instead, Midorikawa et al. teach the elimination of orders that have remained inactive for too long a period of time. In view of the foregoing, the Examiner indicated that he may be persuaded to withdraw the outstanding grounds for rejection if the claims were to be amended as agreed and the shortcomings of the references outlined above were to be brought out in an amendment.

In reliance upon the results of the interview summarized above, the claims have been amended so as to positively recite computer-related structure, both in the preamble and the body of the claims.

A new "launching" step has been added to the independent claims, to recite the launching of a quote conversion process that determines when the first quote has remained unmodified at least for the consolidation interval. Thereafter, each of the independent claims recites the converting step that is responsive to the launching step. It is respectfully submitted that the launching and converting steps are no longer optional, but are now mandatory, as requested by the Examiner.

Claims 1, 3-5, 7, 10-13, 16, 18-20, 25-28, 31, 33-35 and 40-43 were rejected as being anticipated by Hartman et al. Reconsideration and withdrawal of these rejections are respectfully requested.

As agreed to during the recent telephone interview, the Hartman reference does not teach determining "whether the first quote has remained unmodified at least for the consolidation interval

and "converting the first quote to a first executable order responsive to the launching step when the quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval.", as claimed herein. Instead, Hartman teaches to combine a request to purchase an item with pre-stored purchaser information to generate an order, as noted in the Hartman's Abstract. The Office has also pointed to Col. 4, lines 33-35 for a teaching of converting a quote to an order. However, this passage does not teach a launching step or any other step that determines when a quote has been unmodified for a consolidation period, as determined by a quote conversion process, as claimed. The Office also points to Fig. 1C and to Col. 5, lines 43-55 and Col. 7, lines 58-60 in support of the 102(e) rejection. However, Fig. 1C does not teach any conversion step that is responsive to a launching step that determines when a quote has remained unmodified for a consolidation period, as claimed. Instead, Fig. 1C illustrates one aspect of Hartman's single action ordering and the other two cited passages relate to consolidating orders for shipping purposes and the generation of a single-action order summary Web page, respectively.

In view of the amendments to the independent claims and the foregoing remarks, it is respectfully submitted that the claimed subject matter is not anticipated by the Hartman reference and that the anticipatory rejections based thereon should be reconsidered and withdrawn.

Claims 1, 3-5, 7-14, 16, 18-20, 22-29, 31, 33-35 and 37-44 were rejected as being unpatentable over Hartman in view of "Buyer's Guide" and Midorikawa. Reconsideration and withdrawal of these rejections are respectfully requested, for the reasons detailed below.

In the rejection, the Examiner distinguishes between different interpretations, one without the "when a quote has been unmodified for a consolidation period" recitation (page 5) and another with the "when a quote has been unmodified for a consolidation period" recitation (first full

paragraph of page 5). As the claims have been amended so as to make this recitation mandatory through the claimed launching step, and the conversion step that is responsive to the determination carried out by the quote conversion process launched by the launching step, the rejection based on the Hartman-Midorikawa combination is believed to control. However, as noted above in the summary of the telephone interview above Midorikawa, in the passages at Col. 3, lines 11-26 and Col. 4, lines 7-30 relied on the outstanding Office Action, teaches a detecting means 14 that detects inactive orders for which transactions have failed. Responsive to the detecting means 14, Midorikawa et al. teach that the elimination means 16 "forcibly eliminates the inactive order from the electronic dealing market. It is believed that these passages in fact teach away from the claimed embodiments, even this reference is considered in combination with the primary reference to Hartman. Midorikawa does not convert quotes to executable orders when a consolidation period has elapsed, as claimed herein. Instead, Midorikawa et al. teach the elimination of orders that have remained inactive for too long a period of time. As agreed to during the interview, the Hartman-Midorikawa combination does not teach or suggest the claimed subject matter, as amended herewith. Reconsideration and withdrawal of the obviousness rejections applied to the above-listed claims are respectfully requested.

Applicant's attorney believes that no new matter has been introduced by the present amendment, that all claims are allowable as incorporating allowable subject matter and that the present application is now in condition for an early allowance and passage to issue. If any unresolved issues remain, Examiner Brown is respectfully invited to contact the undersigned attorney of record at the telephone number indicated below, and whatever is required will be done at once.

Respectfully submitted,

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